

Notice of Allowability

Application No.

09/928,077

Examiner

Callie E. Shosho

Applicant(s)

SIME ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 11/10/03.
2. ☒ The allowed claim(s) is/are 25 and 27-31.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Callie E. Shosho
Primary Examiner
Art Unit: 1714

Statement of Reasons for Allowance

1. The present claims are allowable over the “closest” prior art Kato et al. (U.S. 6,532,870), Baker et al. (U.S. 6,093,239), Wong et al. (U.S. 6,319,310), EP 105994, and Scheibelhoffer et al. (U.S. 5,549,929) for the following reasons:

The office action mailed 9/9/03 rejected claims 1 and 3-24 under 35 USC 112 and claims 30-31 under 35 USC 103 while claims 25 and 27-29 were indicated as allowable.

In response, in the amendment filed 11/10/03, applicants cancelled claims 1 and 3-24 and amended claim 30 to include all the limitations of claim 25 which had been previously indicated as allowable.

Thus, present claims 25 and 27-31 are allowable over the “closest” prior art for the reasons following reasons:

Kato et al. disclose hot melt ink and method for printing the hot melt ink wherein the hot melt ink comprises comprising dye, stearic acid, and butyral resin. However, there is no disclosure of aromatic hydrocarbon resin first plasticizer, tri-block copolymer, or fluorinated polyolefin copolymer as presently claimed.

Baker et al. disclose hot melt ink and method for printing the hot melt ink wherein the hot melt ink comprises stearic acid or tri-block copolymer. However, there is no disclosure of ink comprising stearic acid and tri-block copolymer as well as no disclosure of polyvinyl butyral, aromatic hydrocarbon resin first plasticizer, or fluorinated polyolefin copolymer as presently claimed.

Wong et al. disclose hot melt ink comprising aromatic hydrocarbon plasticizer and colorant. However, there is no disclosure of polyvinyl butyral, tri-block copolymer, or fluorinated polyolefin copolymer as presently claimed.

EP 105994 disclose hot melt ink comprising plasticizer, tri-block copolymer, pigment, and hydrocarbon resin. However, there is no disclosure of stearic acid, polyvinyl butyral, or fluorinated polyolefin copolymer as presently claimed.

As can be seen, neither Kato et al., Baker et al., Wong et al., or EP 105994 disclose the use of fluorinated polyolefin copolymer as required in all the present claims.

Scheibelhoffer et al. disclose ink comprising flow additive. However, there is no disclosure that the flow additive is fluorinated polyolefin as presently claimed and further, there is no disclosure of hot melt ink.

Thus, it is clear that Kato et al., Baker et al., Wong et al., EP 105994, and Scheibelhoffer et al., either alone or in combination, do not disclose or suggest the present invention.

In light of the above, the rejections of record are untenable and so, the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

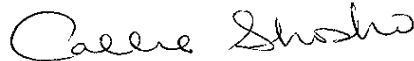
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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
11/20/03